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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

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9 Adan Gonzalez,

No. CV-22-01672-PHX-JJT (ESW)

Plaintiff,

ORDER

10 v.
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12 Lance Hetmer, *et al.*,

13 Defendants.
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15 At issue is the Report and Recommendation (Doc. 55, “R&R”) entered in this matter
16 by United States Magistrate Judge Eileen S. Willett recommending that the Court dismiss
17 Count 3 of the First Amended Complaint and dismiss several Defendants from the action.
18 In the R&R, Judge Willett warned the parties that they had fourteen days from service of
19 the R&R to file specific objections thereto, and that “failure to file timely objections to the
20 Magistrate Judge’s [R&R] may result in the acceptance of the [R&R] by the District Court
21 without further review. *Reyna v. Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).” (R&R at 3.)
22 As the case is subject to electronic filing (Doc. 3) and Plaintiff has access to CM/ECF, the
23 R&R was served on him upon its entry into ECF, on May 18, 2023, and his fourteen days
24 to object to the R&R ran on June 1, 2023. More than two weeks have passed since that
25 deadline and Plaintiff still has filed no objections to the R&R. The Court thus may accept
26 the R&R without further review. It nonetheless reviews the recommendations and their
27 bases on their merits, and upon doing so, concludes Judge Willett’s reasoning is sound and
28 supported in the law.

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The Court previously dismissed Count Three of the Complaint for the same reasons Judge Willett now recommends again dismissing it from the First Amended Complaint. Plaintiff has failed to amend Count Three to include any allegations that support a conclusion that any defendant named in it took any adverse action against him because of any protected conduct he engaged in. And Plaintiff fails to state a claim in any of his Counts against Defendants Daniels, Johnson, Doe, Pacheco, Monson, Parks, Sutton or Evans. Plaintiff names them but fails to tie them through any allegations to any of the remaining claims. Thus the Court will again dismiss them from the operative First Amended Complaint. This matter will now move forward with the remaining claims and Defendants not dismissed.

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The Court previously dismissed Count Three of the Complaint for the same reasons Judge Willett now recommends again dismissing it from the First Amended Complaint. Plaintiff has failed to amend Count Three to include any allegations that support a conclusion that any defendant named in it took any adverse action against him because of any protected conduct he engaged in. And Plaintiff fails to state a claim in any of his Counts against Defendants Daniels, Johnson, Doe, Pacheco, Monson, Parks, Sutton or Evans. Plaintiff names them but fails to tie them through any allegations to any of the remaining claims. Thus the Court will again dismiss them from the operative First Amended Complaint. This matter will now move forward with the remaining claims and Defendants not dismissed.

IT IS FURTHER ORDERED dismissing Count Three of the operative First Amended Complaint (Doc. 54).

IT IS FURTHER ORDERED dismissing from this action Defendants Daniels, Johnson, General Counsel Doe, Pacheco, Monson, Parks, Sutton and Evans.

Dated this 16th day of June, 2023.

2023.

Honorable John J. Tuchi
United States District Judge